

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA

Abingdon Division

KYMBERLY HOBBS, Administrator *etc.*, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
ANTHONY RAYMOND KELLY, *et al.*, )  
 )  
Defendants. )  
\_\_\_\_\_ /

Case No. 1:23cv00003

REPLY IN FURTHER SUPPORT OF MOTION FOR A PROTECTIVE  
ORDER BY DEFENDANTS ARTRIP & POSTON & NON-PARTY VDOC

Pursuant to Federal Rule of Civil Procedure 26(c), Defendants Jeffery Artrip and Travis Poston and non-party the Virginia Department of Corrections (collectively, “Movants”) state in further support of their motion for entry of an order forbidding discovery into the issues of hypothermia and alleged cold exposure at Marion Correctional Treatment Center:

ARGUMENT

Defendants Artrip and Poston have shown, in support of their motion to dismiss part of the amended complaint, that Plaintiff is not entitled to relief against them on the basis of her allegations of past complaints of cold exposure or instances of hypothermia. Accordingly, her discovery regarding hypothermia and cold exposure are not relevant to her claims. Artrip and Poston have shown good cause for prohibiting Plaintiff from inquiring further into these matters.

Conclusion

The Court should enter an order forbidding discovery into the issues of hypothermia and alleged cold exposure at Marion Correctional Treatment Center.

Respectfully submitted,

/s/ D. Patricia Wallace

D. Patricia Wallace, VSB #92964

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*(Counsel for VDOC, Artrip, & Poston)*

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2024, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a notification of such filing (NEF) to counsel for Plaintiff and Defendants.

s/ D. Patricia Wallace

D. Patricia Wallace, VSB #92964

Assistant Attorney General